

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HORNADY MANUFACTURING  
COMPANY, INC.,

Plaintiff,

vs.

GREEN RAMP LLC, et al.,

Defendants.

4:21-CV-3303

ORDER

This matter is before the Court on the plaintiffs' motion to remand ([filing 9](#)), the United States Magistrate Judge's Findings and Recommendation ([filing 16](#)) recommending that the motion be granted, and the defendants' objection to the findings and recommendation ([filing 17](#)). The Court has reviewed the parties' briefs and the record *de novo*, pursuant to [28 U.S.C. § 636\(b\)\(1\)\(C\)](#).<sup>1</sup> On its *de novo* review, the Court agrees with the Magistrate Judge, and will grant the motion to remand for the reasons capably explained by the Magistrate Judge. Accordingly,

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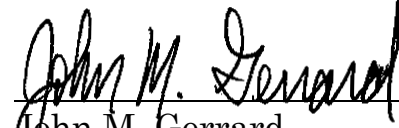
<sup>1</sup> The Court recognizes that there is a split of authority regarding whether a Magistrate Judge's decision on a motion to remand is dispositive or nondispositive for purposes of review by an Art. III judge. See [Banbury v. Omnitrition Int'l, Inc.](#), 818 F. Supp. 276, 279 (D. Minn. 1993). But many courts have concluded that such an order is effectively dispositive. See [Davidson v. Georgia-Pac., L.L.C.](#), 819 F.3d 758, 763-64 (5th Cir. 2016); [Flam v. Flam](#), 788 F.3d 1043, 1046-48 (9th Cir. 2015); [Williams v. Beemiller, Inc.](#), 527 F.3d 259, 266 (2d Cir. 2008); [Vogel v. U.S. Office Prod. Co.](#), 258 F.3d 509, 517-18 (6th Cir. 2001); [First Union Mortg. Corp. v. Smith](#), 229 F.3d 992, 995-96 (10th Cir. 2000); [In re U.S. Healthcare](#), 159 F.3d 142, 145-46 (3d Cir. 1998). Out of caution, the Court has reviewed the Magistrate Judge's findings and recommendation *de novo*.

IT IS ORDERED:

1. The defendants' objection ([filing 17](#)) is overruled.
2. The Magistrate Judge's Findings and Recommendation ([filing 16](#)) are adopted.
3. The plaintiff's motion to remand ([filing 9](#)) is granted.
4. This case is remanded to the District Court for Lancaster County, Nebraska.

Dated this 10th day of December, 2021.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge